



H.R. 1333, the “National Origin-Based Antidiscrimination for Nonimmigrants Act,” or the “NO BAN Act”
Sponsor: Judy Chu (D-CA)
House Judiciary Republicans Urge Opposition

H.R. 1333 continues the Democrat assault on successful Trump Administration immigration policies. The bill strips the President of authority under section 212(f) of the Immigration and Nationality Act to deny entry to aliens if their entry would be detrimental to national interests. H.R. 1333 weakens national security, invites litigation against the U.S. government and most importantly does nothing to stop President Biden’s border crisis.

- **The Biden Border Crisis continues.** Customs and Border Protection (CBP) encountered 172,331 illegal aliens on the southern border during March 2021—a 71 percent increase over February 2021.¹ Of these encounters, 18,890 were unaccompanied alien children, a 100 percent increase over February 2021, and 53,623 were family units, a 173 percent increase over February 2021.² The total number of southern border encounters during this fiscal year is already over half a million, even before we have entered the months in which crossing numbers are historically the highest.³ The crisis is a direct result of President Biden’s radical immigration policies. H.R. 1333 does not address the crisis.
- **H.R. 1333 limits the president’s ability to act quickly and decisively to keep our country safe.** Under section 212 (f) of the INA, the president can deny entry to aliens if their entry would be detrimental to the national interests.⁴ The bill takes the authority from the President and gives it to the Secretaries of State and Homeland Security — unelected bureaucrats who are not accountable to the American people.
- **H.R. 1333 places dangerous limitations on 212(f) authority.** The bill changes 212(f) authority so that it can only be used “to address specific acts implicating a compelling government interest,” in “the least restrictive means,” and with a presumption in favor of the alien being granted a waiver of exclusion and thus being allowed to enter the country.
- **H.R. 1333 invites lawsuits, including class actions, against the U.S. government and is a gift to the trial lawyers.** The bill not only provides specific judicial review of denials of entry, but its vaguely worded terms like “compelling government interest,” “harmed by a violation,” and “least restrictive means” will increase the risk of potential litigation.

¹ U.S. Customs and Border Protection, *FY Southwest Land Border Encounters by Month*, <https://www.cbp.gov/newsroom/stats/southwest-land-border-encounters>.

² *Id.*

³ *Id.*

⁴ 8 U.S.C. 1182(f).